

DECLARATION, POWER OF ATTORNEY AND CORRESPONDENCE ADDRESS

As a below named inventor, I hereby declare that:

This declaration is of the following type:

- ☒ original
- ☐ design
- ☐ supplemental
- ☐ national stage of PCT

My residence address, post office address, and citizenship are as stated below next to my name, and I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

“APPETITE SUPPRESSION DEVICE”

the specification of which:

- ☒ is attached hereto.
- ☐ was filed on *** as Application Serial No. *** and was amended on *** (if applicable).
- ☐ was described and claimed in PCT International Application No. *** filed on *** and as amended under PCT Article 19 on *** (if any).

I hereby state that I have reviewed and understood the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose all information known to be material to the patentability of any claim in accordance with 37 CFR §1.56, and which is material to the examination of this application, namely, information where there is a substantial likelihood that a reasonable examiner would consider it important in deciding whether to allow the application to issue as a patent.

CERTIFICATE OF MAILING BY “EXPRESS MAIL” (37 CFR §1.10)

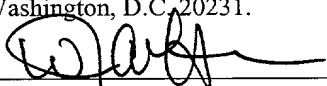
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Date of Deposit: February 4, 2002

I hereby certify that this paper or fee is being deposited with the United States Postal Service “Express Mail Post Office to Addressee” service, under 37 CFR §1.10, on the date indicated above and is addressed to the Commissioner for Patents, Washington, D.C. 20231.

02/04/2002

Date:


Signature of Person Mailing

Wayne J. Colton

Printed Name of Person Mailing

FOREIGN PRIORITY

I hereby claim foreign priority benefits, under 35 USC §§119(a)-(d) or §365(b), of any foreign application for patent or inventor's certificate or, under §365(a), of any PCT international application designating at least one country other than the United States of America listed below. I have also identified below any related foreign application for patent or inventor's certificate or PCT international application having a filing date before that of the application(s) to which priority is claimed.

Prior Foreign Applications(s):

NONE

DOMESTIC PRIORITY

This application is of the following type:

- ☐ original
- ☐ divisional
- ☐ continuation
- ☒ continuation-in-part (CIP)

I hereby claim domestic priority benefits, under 35 USC §§119(e) and/or 120, of any United States application or, under §365(c), of any PCT international application designating the United States of America listed below. To the extent that the subject matter of any claim of this application is not disclosed in the below listed prior United States or PCT international application(s) in the manner required under the first paragraph of 35 USC §112, I acknowledge the duty to disclose material information, as defined in 37 CFR §1.56, which occurred between the filing date(s) of the prior application(s) and the national or PCT international filing date of this application.

Prior Domestic Application(s):

U.S. patent application Serial No. 09/933,030 filed August 20, 2001

STATEMENT UNDER 18 USC §1001

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 USC §1001 and that such willful false statements may jeopardize the validity of this application or any patent which may issue thereon.

POWER OF ATTORNEY

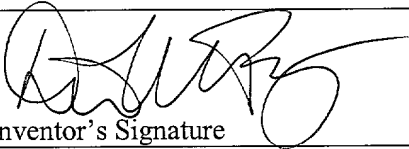
As a below named inventor, I hereby appoint Wayne J. Colton, Registration No. 40,962, as principal attorney of record with full power of substitution and revocation, to transact all business before the U.S. Patent and Trademark Office in connection with the above-identified patent application.

DESIGNATION OF CORRESPONDENCE ADDRESS

Please send all correspondence and direct all telephone calls to **CUSTOMER NO. 22775:**

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